

THESE MINUTES ARE SUBJECT TO FORMAL APPROVAL BY THE WYOMING  
PLANNING COMMISSION AT ITS REGULAR MEETING OF JUNE 17, 2014

PLANNING COMMISSION  
MINUTES OF MAY 20, 2014  
CITY COUNCIL CHAMBERS  
CITY OF WYOMING, MICHIGAN

MEMBERS PRESENT: Arnoys, Bueche, Goodheart, Hegyi, Spencer, Weller

MEMBERS ABSENT: Micele, Postema, Woodruff

STAFF PRESENT: Rynbrandt, Director of Community Services  
Cochran, City Planner  
Lucar, Administrative Aide

Chair Spencer called the meeting to order at 7:00 PM. Arnoys announced he would have to leave the meeting at 7:30 p.m.

Motion by Hegyi, supported by Arnoys, to excuse Micele, Postema and Woodruff. Motion carried unanimously.

APPROVAL OF MINUTES

The minutes of April 15, 2014 were approved as written.

APPROVAL OF AGENDA

The agenda was approved as presented.

PUBLIC COMMENT ON NON-PUBLIC HEARING AGENDA ITEMS

There were no comments.

AGENDA ITEM NO. 1

Request to rezone 1.2 acres from DC Downtown Center and B-2 General Business to I-2 General Industrial. The property is located at 2660 Burlingame Avenue, SW. (Section 11) (Wyoming Planning and Public Works Departments)

Cochran described the location, existing land use and current zoning around the area. On March 3, 2014, the City Council approved the rezoning of the 28<sup>th</sup> Street corridor from Clyde Park Avenue to Burlingame Avenue to the Form Based Code (FBC) District. The currently proposed rezoning is for a portion of the City of Wyoming Public Works Facility that primarily contains a

storage building and outdoor storage yard. Storage of this nature is an industrial use and not a commercial use. This property was held out of the prior rezoning so as to not detract from the overall importance and focus of the FBC consideration. This proposed rezoning will bring the DPW Facility into conformance with the I-2 General Industrial zoning, and will remove the last property zoned DC Downtown Center in the City. This rezoning will then allow for the associated Zoning Code amendments which will remove all references to the Downtown Center Zoning District.

Staff highlighted how the proposal conforms to the City of Wyoming Sustainability Principles. The proposed rezoning to I-2 General Industrial will bring this portion of the DPW Facility into conformance with the balance of the site. The overall DPW site functions as an industrial use and not a commercial use. Conformance of land uses with the underlying zoning district promotes social equity. The proposed rezoning conforms to the City of Wyoming sustainability principals.

Planning Commission Action:

The Development Review Team suggested the Planning Commission recommend to the City Council the subject rezoning.

Chair Spencer opened the public hearing. There were no comments and the public hearing was closed.

Motion by Bueche, supported by Goodheart, to recommend to the City Council the subject rezoning. Motion carried unanimously.

AGENDA ITEM NO. 2

Request to amend Zoning Code Section 90-31 Districts Enumerated, Section 90-65 DC Downtown Center District Intent, Section 90-799 Specific Sign Requirements: Nonresidential Districts, Section 90-891 Residential Districts, Section 90-892 Conditions Applicable to Section 90-891, Section 90-893 Nonresidential Districts, Section 90-894 Conditions Applicable to Section 90-893, Section 895 Requirements for Permitted Uses after Special Approval, and Article XXVIII DC Downtown Center District to remove the Downtown Center Zoning District and its requirements. (Wyoming Planning Department)

Cochran added an additional amendment to the request – removal of Table 90-646 Parking Requirements. He proceeded to present the proposed amendments:

The DC Downtown Center Zoning District was created in 2002. The DC District replaced the zoning of properties along 28<sup>th</sup> Street from Clyde Park Avenue to Burlingame Avenue. Its regulations were designed to implement the vision of the Downtown Plan, that was also adopted in 2002. The Downtown Plan was an attempt to halt the decline of this iconic and essential commercial center of the City. Although there were a few successful developments in this area since 2002, ultimately the market forces contributing to the decline of 28<sup>th</sup> Street proved to be

too great for the Downtown Plan and DC Downtown Center to overcome. Subsequently, the Wyoming community undertook an exhaustive and comprehensive master planning process to identify, and address, the issues limiting the redevelopment of the area. This process resulted in the Turn on 28<sup>th</sup> Street Sub Area Plan. This Plan then led to the creation of new innovative land use regulations established by a Form Based Code. This FBC subsequently has, or will, replace all properties in this corridor zoned DC Downtown Center. As such, there is no merit in maintaining the district within the Zoning Code. The proposed amendments will remove all references to the DC Downtown Center from the Zoning Code.

Proposed Ordinance Amendments:

Section 90-31 Districts Enumerated:

Remove DC business district, downtown center;

Section 90-65 DC Downtown Center District Intent:

Remove all wording. Replace with Reserved.

Section 90-799 Specific Sign Requirements: Nonresidential Districts:

In Table 90-799 and Table 90-799-2 Remove the DC category.

Section 90-891 Residential Districts:

Remove the DC zone category.

Section 90-892 Conditions Applicable to Section 90-891:

In Section 90-892 (5) restate the beginning sentence to: In R-4, R-5 and R-7 districts...

In Section 90-892 (6) restate the beginning sentence to: In R-4, R-5 and R-7 districts...

In Section 90-892 (24) Remove.

In Section 90-892 (25) Remove.

Section 90-893 Nonresidential Districts:

Remove the DC Downtown center district category.

Section 90-894 Conditions Applicable to Section 90-893:

In Section 90-894 (13) Remove.

Section 90-895 requirements for Permitted Uses after Special Approval:

Secondhand dealers – Remove DC reference.

Article XXVIII DC Downtown Center District:

Remove all wording. Replace with Reserved.

Planning Commission Action:

The Development Review Team suggested the Planning Commission recommend to the City Council the subject Zoning Code amendments, with the added additional amendment – removal of Table 90-646 Parking Requirements for multiple family dwellings in the DC District.

Chair Spencer opened the public hearing. There were no comments and the public hearing was closed.

Motion by Weller, supported by Arnoys, to recommend to the City Council the subject Zoning Code amendments, with the added additional amendment – removal of Table 90-646 Parking Requirements for multiple family dwellings in the DC District. Motion carried unanimously.

AGENDA ITEM NO. 3

Request to amend Zoning Code Section 90-44 Distance Requirement for Mechanical Appurtenances. (Wyoming Planning Department)

Cochran noted this request was deferred from the April 15, 2014 Planning Commission meeting for further consideration of screening the mechanical appurtenances.

Zoning Code Section 90-44 restricts mechanical appurtenances (blowers, generators, air conditioning units, etc...) in the industrial and commercial districts from anywhere but the rear yard of properties. Recently, we have had several requests for variances from the Board of Zoning Appeals to locate generators in the side yard of properties. These requests have come from the VA Outpatient Clinic, Gordon Foods, Grand Rapids Plastics and others. Generators are desired for the facilities in order to maintain business operations during power outages. The generators have been reasonably placed in the side yards of the businesses where the electrical service to the buildings is provided. The variances have been granted by the BZA, with recommendations from staff.

In evaluating the ordinance restriction, staff believes that requiring mechanical appurtenances to be located only in the rear yard is overly restrictive. Devices can be screened when needed and a noise ordinance is in place to address any particular location concern. Staff believes it is appropriate to allow such appurtenances to be located in the side yards of industrial and commercial properties and to remove the 20 foot distance requirement.

Existing Ordinance:

Freestanding industrial and commercial mechanical appurtenances such as blowers, ventilating fans and air conditioning units are permitted only in the rear yard no closer than 20 feet to abutting properties.

Proposed Ordinance Amendment (amendments in **bold**):

Freestanding industrial and commercial mechanical appurtenances such as blowers, ventilating fans, **generators** and air conditioning units are **prohibited in front yard areas. The appurtenances shall be screened with a solid fence or evergreens. Duct work from appurtenances shall be routed directly into the building or be concealed below grade in commercial districts.**

Planning Commission Action:

The Development Review Team suggested the Planning Commission recommend to the City Council the subject Zoning Code amendment to Section 90-44 Distance Requirement for Mechanical Appurtenances.

Motion by Hegyi, supported by Arnoys, to recommend to the City Council the subject Zoning Code amendment to Section 90-44 Distance Requirement for Mechanical Appurtenances. Discussion followed.

Goodheart questioned whether it would be acceptable to allow the duct work to run up the wall if it was in the rear yard of a building. Cochran replied this would not be ideal, especially in commercial areas where there is usually parking in the rear of the site and also a back access to the building.

Weller asked if the change would apply to both commercial and industrial zones. Cochran replied affirmatively. Weller asked if they would need a solid fence or evergreens for screening. Cochran responded affirmatively.

A vote on the motion carried unanimously.

AGENDA ITEM NO. 4

Request for Site Plan Approval for Rieth-Riley Batch Plant reconstruction. The property is located at 2020 Chicago Drive. (Section 3) (Rieth-Riley Construction Co.)

Cochran described the location, existing land use and current zoning around the area. The existing batch plant has been in operation for many years. They desire to replace the existing batching equipment with modern efficient technology and improve truck flow through the site. Two minor building additions for a lab and general office are also proposed.

Staff had the following added site plan comments:

1. The relocated fire hydrant must be protected with bollards and located at least five feet from the building.
2. The proposed office building and lab building additions are shown to be at the side property line which abuts the C & O Railroad spur. A ten foot side yard setback is required in the I-2 General Industrial district. A variance from the Board of Zoning Appeals is required to allow this design.
3. The property has obtained several variances from the Board of Zoning Appeals for the batching equipment to exceed the district height limit of 45 feet. The existing exhaust system reaches 110 feet. The new equipment will be lower and more environmentally efficient. The variances are assigned to the property and are carried over to permit the new equipment. (Informational)

Staff highlighted how the proposal conforms to the City of Wyoming Sustainability Principles. The proposed redevelopment will substantially improve the batch plant operations. Rieth-Riley provides construction services throughout the area which promotes community economic strength. The new equipment is more environmentally efficient. The proposed Rieth-Riley Batch Plant reconstruction conforms to the City of Wyoming sustainability principals.

Planning Commission Action:

The Development Review Team recommended the Planning Commission grant Site Plan Approval for the Rieth-Riley Batch Plant reconstruction subject to conditions 1 - 2 noted.

Motion by Weller, supported by Hegyi, to grant Site Plan Approval for the Rieth-Riley Batch Plant reconstruction subject to conditions 1 – 2 noted. Discussion followed.

Bueche asked if this is a boundary survey, because it is not signed by a professional surveyor and there are no benchmarks. The petitioner responded that a professional survey was done in 2008 and was signed and sealed by a professional surveyor.

Goodheart asked if the sanitary lateral sewer is acceptable to the City Engineering Department. The petitioner replied the City asked that the meter be moved so there will be only one meter.

Weller praised the company's efforts to improve their batch plant operations.

A vote on the motion carried unanimously.

AGENDA ITEM NO. 5

FBC Division Avenue Update.

Cochran noted on June 4<sup>th</sup> the committee will be going on a walking tour of the Division Avenue/44<sup>th</sup> Street area for a better understanding of development possibilities, business placement, sidewalks, etc. They will be in discussions over the next few months. Chair Spencer and Micele are serving on this committee.

#### AGENDA ITEM NO. 6

##### MAP Training Perspectives

Cochran noted most of the Commissioners were able to attend the joint training workshop held on May 12, 2014. Overall, the Commissioners thought it was valuable and a good follow-up to the joint training session held last year.

Goodheart pointed out there was no clear answer from the facilitator on whether there has to be a motion on the floor before discussion on an item can begin. Chair Spencer clarified, it is permissible to discuss additional information and/or facts, for the purpose of educating the group, prior to making a motion. Everyone needs to be on the same playing field as far as knowledge about a proposal before voting.

Rynbrandt said she asked Cochran to examine the Planning Commission's By-Laws and possibly incorporate some of the information from the training session.

#### PUBLIC COMMENT

There was no public comment.

#### ADJOURNMENT

The meeting was adjourned at 7:30 P.M.

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Anthony Woodruff, Secretary  
Wyoming Planning Commission

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Kimberly S. Lucar, Administrative Aide  
Wyoming Planning Commission